

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-21

A RESOLUTION ADOPTING AMENDMENTS TO THE MANAGEMENT/SUPERVISORY/
CONFIDENTIAL PERSONNEL POLICIES

WHEREAS, the City Council of Tigard, Oregon previously adopted Personnel Policies for the Management/Supervisory/Confidential employees attached as Exhibit A; and

WHEREAS, these policies have not been comprehensively reviewed in approximately four years; and

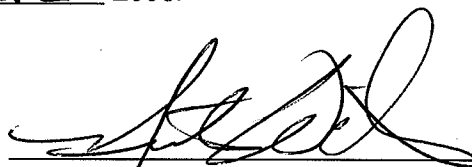
WHEREAS, the City's executive staff and City Attorney's Office completed a review and update to these policies, which are being submitted for Council adoption.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The recommended changes to the Management/Supervisory/Confidential Personnel Policies are adopted

SECTION 2: This resolution is effective immediately upon passage.

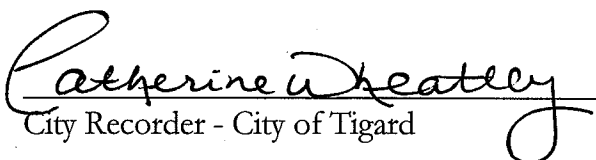
PASSED: This 25th day of April 2006.



Mayor - City of Tigard

Council President

ATTEST:



City Recorder - City of Tigard

Exhibit A

Management/Supervisory/Confidential Personnel Policies

April 25, 2006

PERSONNEL POLICIES – Management/Supervisory/Confidential Employees

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* Adopted 02/09/1999. All other articles adopted 11/24/1998

PERSONNEL POLICIES - Management

No. 1.0

Adopted 02/09/1999

PURPOSE

These personnel policies and procedures are designed to inform all employees of the day-to-day administrative working of the City. They are also meant to provide employees with an understanding of what is expected of them and to provide consistent, fair and uniform treatment to all.

These policies are specifically applicable to the Management, Supervisory and Confidential Group employees of the City of Tigard, and shall be utilized as a supplement to the City's general Personnel Policies. These policies are applicable to those job classifications identified in the Management, Supervisory and Confidential Group pay plan.

The City reserves the right to change any of these policies and procedures at any time. Although it is the City's policy not to terminate the employment relationship with the City unless it has just cause to do so, these policies and procedures do not and are not intended to constitute a contract of employment or a promise or guarantee of specific treatment in specific situations.

AUTHORITY AND RESPONSIBILITY

The Mayor and the City Council shall have the authority over all matters of personnel administration through adoption and implementation of the City budget, pay plans, collective bargaining agreements, ordinances and resolutions adopting and/or amending the personnel rules and regulations.

The City Manager may interpret the language of the rules and regulations in any case where interpretation is in question, and may specifically delegate the authority for the enforcement of these rules and regulations.

The City Manager shall be responsible for ensuring the effective implementation of these rules and regulations and may further establish, amend or otherwise modify these rules and regulations pursuant to City Council policies. The City Manager shall advise the City Council on any changes concerning these rules and regulations.

Deleted: The rules and procedures contained herein shall apply to all City employees. Where the provisions of a collective bargaining agreement with the City differ from these rules, the language in the bargaining agreement shall prevail.

APPOINTMENT TO POSITION

The Mayor of the City of Tigard, with the consent of the City Council, exercises appointive and removal power over the offices of the City Manager, City Attorney, Municipal Judge, and City Recorder. Incumbents appointed to these positions after February 17, 1986, serve at the pleasure of the Mayor and City Council and can be terminated from their position without cause in accordance with the terms of their employment agreements. (City Ordinance 86-15).

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The City Manager, after consultation with the Mayor and City Council, has appointive and removal power over all persons serving as Department Directors for the City. In addition, the City Manager has supervisory responsibilities over the City Recorder. Department Directors appointed after February 17, 1986 are "at will" employees and may be terminated pursuant to the terms of their employment agreements with or without cause. (City Ordinance 86-15).

Deleted: Such employment agreements with the City Manager, City Attorney, Municipal Judge, and City Recorder are binding only upon the appointing City Council and must be renegotiated if a majority of new Council members are elected.

Deleted: Unless otherwise agreed to in an employment agreement with the individual filling such a position, just cause shall not be required for removal of

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EMPLOYMENT AGREEMENTS

The City Manager, City Recorder, and Department Directors and other managerial employees designated by the City Council or City Manager serve under the conditions of an employment agreement. All persons serving under an employment agreement are "at will" employees and may be terminated pursuant to the terms of the employment agreement, with or without cause. The conditions in an employment agreement may include, but are not limited to, terms of appointment, supervision, termination, duties, salary, and fringe benefits. All employment agreements shall be in writing and approved by the City Council or City Manager, depending on who is the appointing authority. The employment agreements prevail over these personnel policies. The personnel policies apply to those who serve under an employment agreement to the extent not inconsistent with the employment agreement, except that Policies 17 and 18 and all portions of Policy 19 other than the "Procedural Rights Related to Performance for Department Directors" section do not apply to those who serve under an employment agreement. Nothing in the personnel policies shall be considered to in any way limit the City's authority to terminate an employee pursuant to the terms of an employment agreement.

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Deleted: Just cause shall not be required for removal of an incumbent serving under the conditions of an employment agreement

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PERSONNEL POLICIES - Management

No. 4.0

COMPENSATION

The City Council, with the recommendation of the City Manager, shall set the salary schedule to be used as the basis for compensation. Employees shall be paid in accordance with the established salary schedule as adopted by the City Council. Newly hired employees shall be compensated at the entry level salary for their position unless otherwise specifically approved by the City Manager.

PROBATIONARY PERIOD

Newly hired or promoted employees shall serve a six (6) month probationary period. During this probationary period of employment employees may be dismissed without cause by the City Manager or by the employee's department director with the approval of the City Manager. Notice of dismissal during the probationary period shall be in writing and shall state the effective date of dismissal. If, in the opinion of the department director and consultation with the City Manager, a longer probationary period is necessary to evaluate the employee's performance, the probationary period may be extended by the department director for a maximum of six (6) months.

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Deleted: All employees being promoted or transferred will be subject to a six (6) month probationary period.^f

MERIT SALARY INCREASES

Employees of the City shall receive salary increases within the salary range of their job classification on the basis of merit.

A performance review must be completed prior to awarding a merit increase. Merit increases shall be granted based on satisfactory performance at the completion of twelve months of employment from the date of satisfactory completion of the probationary period, and every twelve months thereafter. Additional merit increases may be granted at any time based on documented performance reviews. Contingent upon satisfactory performance, an employee shall receive a merit increase not to exceed the top step of the salary range for the classification, as provided for under "Performance Reviews". When an employee reaches the final step of the salary range, no further merit increases will occur.

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Deleted: instead of automatic "step" increases on an annual or other basis.

Residency Requirements has been deleted per Council Ordinance 01-22 discontinuing requirement

OVERTIME

It is the policy of the City to reduce to a minimum the necessity for overtime. Overtime work shall be discouraged, and department directors and supervisor shall make every effort to assign to each employee duties and responsibilities which can be accomplished within the employee's established work schedule. However, there may be times when City employees may be expected or are required to work beyond their normal work schedule in order to provide the services and support necessary to conduct and supervise the work programs which have been assigned to them. It shall be the responsibility of the department director to assign and/or allow overtime with due consideration for budgetary accountability. Flexible scheduling in lieu of overtime shall be encouraged whenever feasible. All overtime to be worked requires the advance authorization of the employee's supervisor.

For the purposes of calculating overtime for Management/Professional Group employees, all paid leave shall be treated as hours worked except in the event such leaves are interrupted and the employee is called back to work due to an emergency outside the control of the City (i.e. weather, act of God, earthquake, flood, etc.).

OVERTIME FOR FLSA M-I EMPLOYEES

The M-I category includes department directors. M-I employees will be allowed to take time off as the workloads permit. Employees in this category may also be allowed to utilize flexible scheduling.

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Deleted: RESIDENCY REQUIREMENTS

¶
The City Manager, City Recorder, and all Department Heads are required to establish and maintain permanent residency within the boundaries of Clackamas, Multnomah or Washington Counties in the State of Oregon within nine months following their appointment unless otherwise agreed to in writing by the City Council. ¶

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OVERTIME FOR FLSA M-2 EMPLOYEES

The M-2 category covers senior management positions including division managers, some supervisors, professional employees and other senior management classifications. M-2 employees who work in excess of the payroll period will be allowed to utilize flexible scheduling to take time off as their workload permits and at the discretion of the department director. If the department director approves M-2 time (hour for hour) instead of flexible scheduling, the employee may not accumulate in excess of 40 hours. M-2 time will not be cashed out at any time. All M-2 time accrued must be documented on City timesheets.

OVERTIME FOR FLSA M-3 EMPLOYEES

M-3 employees are Management/Professional Group non-exempt employees pursuant to the Fair Labor Standards Act and other exempt positions as determined by the City. These positions will be provided time and one-half compensation in cash or accrued compensatory time for all hours worked over 40 hours in a work week. The maximum accumulation or cap of compensatory time shall be 40 hours. Employees should use accumulated compensatory time before vacation or other accrued leave (at time and one-half) as soon as practical. At the discretion of the department director, overtime may be paid in lieu of compensatory time if budgeted funds are available.

The classification of Police Sergeant is the only exception to calculating overtime over forty (40) hours in a workweek. For this classification, overtime shall be calculated on a daily basis. Employees assigned a 5-8 schedule shall be compensated at the rate of time and one-half for all work in excess of eight (8) hours on any work day and all work performed on the 6th and 7th day of an employee's workweek. Employees assigned a 4-10 schedule shall be compensated at the rate of time and one-half for all work in excess of ten (10) hours in any workday and all work performed on the 5th, 6th and 7th day of the employee's workweek.

In regards to overtime compensation for Lieutenants of the Police Department, when a Lieutenant is 1) unable to flex their schedule, and 2) has accumulated the maximum of 40 hours compensatory time allowed under the Management Personnel Policies, any overtime worked which exceeds the accumulated 40 hours of compensatory time would be paid for in cash during the payroll period in which it is worked.

Deleted: M-1, M-2, M-3 Designations

Deleted: M-1 CATEGORY

Library Director
Finance Director
City Engineer
Public Works Director
Community Development Director
Police Chief

M-2 CATEGORY

Planning Manager
Financial Operations Manager
Building Official
Engineering Manager
Assistant to the City Manager
Police Lieutenant
Network Services Director
Human Resources Director
Police Captain
Library Division Manager
Library Technical Services Specialist
Reader Services Specialist
Library Circulation Supervisor
Project Engineer
Operations Division Manager
Property Division Manager
Utility Division Manager
Administrative Services Manager
Planning Supervisor
Senior Management Analyst/Risk
Senior Human
Resources/Telecommunications Analyst
Plans Examination Supervisor
Senior Human Resources Analyst
Development Services Supervisor
City Recorder
Inspection Supervisor

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M-3 CATEGORY

Library Technical Services Coordinator
Buyer
Police Sergeant
Confidential Executive Assistant
Micro Computer Support Technician
Assistant Planner

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Deleted: The City prohibits any improper deductions from the salaries of exempt employees. It is the City's intent to pay each employee, exempt or non-exempt, the proper and appropriate pay. If an exempt employee believes that his/her salary has been improperly reduced, the employee should first report the matter to the City's Finance Department Payroll Section. If the matter is not resolved to the employee's satisfaction, the employee may report the matter to their Department Director and the City Finance Director. The decision of the Finance Director will be final in matters regarding allegations of improper deductions of the salaries of exempt employees. This procedure is the exclusive procedure for challenging improper deductions under this section, and is in lieu of the grievance procedure set forth in Article 63.0, Complaint Procedure, of the City wide Person ... [2]

M-1 CATEGORY

Library Director
Finance Director
City Engineer
Public Works Director
Community Development Director
Police Chief

M-2 CATEGORY

Planning Manager
Financial Operations Manager
Building Official
Engineering Manager
Assistant to the City Manager
Police Lieutenant
Network Services Director
Human Resources Director
Police Captain
Library Division Manager
Library Technical Services Specialist
Reader Services Specialist
Library Circulation Supervisor
Project Engineer
Operations Division Manager
Property Division Manager
Utility Division Manager
Administrative Services Manager
Planning Supervisor
Senior Management Analyst/Risk
Senior Human Resources/Telecommunications Analyst
Plans Examination Supervisor
Senior Human Resources Analyst
Development Services Supervisor
City Recorder
Inspection Supervisor

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M-3 CATEGORY

Library Technical Services Coordinator
Buyer
Police Sergeant
Confidential Executive Assistant
Micro Computer Support Technician

Assistant Planner
Executive Assistant to City Administration
Human Resources Technician
Human Resources Assistant
Risk Technician
Police Records Supervisor
Fleet Services Coordinator
Associate Planner
Budget and Financial Reporting Analyst
Human Resources Analyst
Volunteer Coordinator
Wastewater Operations Supervisor
Water Operations Supervisor
Grounds Supervisor
Street Supervisor
Fleet and Facilities Supervisor

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The City prohibits any improper deductions from the salaries of exempt employees. It is the City's intent to pay each employee, exempt or non-exempt, the proper and appropriate pay. If an exempt employee believes that his/her salary has been improperly reduced, the employee should first report the matter to the City's Finance Department Payroll Section. If the matter is not resolved to the employee's satisfaction, the employee may report the matter to their Department Director and the City Finance Director. The decision of the Finance Director will be final in matters regarding allegations of improper deductions of the salaries of exempt employees. This procedure is the exclusive procedure for challenging improper deductions under this section, and is in lieu of the grievance procedure set forth in Article 63.0, Complaint Procedure, of the City wide Personnel Policies.

An employee who has been subject to an improper deduction will be reimbursed by the City no later than the next complete payroll period following the date that the determination of the improper deduction was first made by the City. The City will make good-faith efforts to ensure compliance with the rules concerning deductions from the salaries of exempt employees in the future.

HOLIDAYS

The City observes the following paid holidays:

New Year's Day	January 1
The Birthdate of Martin Luther King, Jr	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The Friday after Thanksgiving Day	Friday after Thanksgiving
Christmas Day	December 25

To receive holiday pay, employees must work the last scheduled workday before and the first scheduled workday after the holiday, or be on authorized leave with pay for both of these days.

Whenever a holiday falls on Sunday, the succeeding Monday shall be observed as the holiday; whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.

Holiday pay for full-time, regular employees is eight (8) hours. Holiday pay for part-time employees shall be pro-rated according to their regular work schedule. Temporary employees are not eligible for holiday pay. Holidays that occur when an employee is absent from work on approved vacation or sick leave will be paid as holiday pay and no deduction shall be made from their accumulated vacation or sick leave time.

Non-exempt (M3) employees who are required to work on a holiday will be compensated for all hours worked on the holiday at 1-1/2 times their straight-time rate in addition to holiday pay. This premium pay shall be due for working on either the actual holiday or the observed holiday, but not both.

All other exempt employees required to work on a holiday may take an "alternate" day off within 60 days following the holiday. Part-time employees who are required to work on a

holiday can choose to either receive prorated holiday pay for the day or a prorated "alternate" holiday to be taken within 60 days following the holiday. "Alternate" holiday time will not be carried over the 60 day limit.

In lieu of holidays off, Police Sergeants shall be credited with eight (8) hours of holiday compensatory time or cash, at the option of the employee, for each month worked. If the Sergeant elects to receive compensatory time, such time off shall be credited to his/her vacation/holiday account.

Within 30 days of the dates specified herein, the Sergeants will be required to advise the City what portion of their holiday time is to be converted to their vacation/holiday account and/or paid monthly or on the dates specified below. If a Sergeant elects to have a portion of their holiday hours paid, such payment shall be made on December 1 and/or June 1 of each year and shall not exceed 48 hours on either date. Human Resources will provide the Sergeants with a selection form and each employee will be required to make a selection and return the form within the time period described in this section. Sergeants shall not be allowed to accumulate vacation/holiday in excess of 280 hours, or double their vacation accrual, whichever is greater.

Library Holidays

Section 1. Holidays:

- a) New Year's Day, January 1
- b) Memorial Day, Last Monday in May
- c) Independence Day, July 4
- d) Labor Day, First Monday in September
- e) Veterans Day, November 11
- f) Thanksgiving Day, Fourth Thursday in November
- g) Christmas Day, December 25
- h) Three (3) floating holidays in lieu of 1) Martin Luther King 2) President's Day 3) Friday after Thanksgiving

Section 2. Holidays will be observed on the actual day the holiday falls. For full time and part time employees not scheduled to work on the day a holiday falls, the employee will arrange with his/her supervisor to mutually schedule an alternative day off within sixty (60) days or the day of the City wide observance.

Section 3. Floating holidays will be accrued in each of the payroll periods in which the City's holiday actually occurs (see above listing of floating holidays).

Section 4. It is the responsibility of an employee who accrues a floating holiday under Section 3 to schedule the holiday time off at a time that is mutually agreeable to the employee and his/her supervisor. Any accrued but unused floating holiday time will not be lost at the end of the fiscal year.

Section 5. The employee will not be cashed out for holiday time.

MANAGEMENT LEAVE

Regular, fulltime employees in the Management/Professional group shall accrue management leave based on their length of service in a management/professional position. Management leave for regular part-time employees working 20 hours or more per week in these positions shall be pro-rated according to their regular work schedule.

Newly appointed management/professional employees will receive a pro-rated amount of management leave during their first fiscal year of employment based on completion of each full quarter (3 month) period worked. Eligible employees shall earn paid management leave according to the following schedule:

Date of hire - 1st fiscal year	2 hrs/full quarter worked
end of 1st fiscal year - 2-1/2 years	1 day per fiscal year
2 - 1/2 years plus one day through	
4 - 1/2 years	2 days per fiscal year
4 - 1/2 years plus one day	3 days per fiscal year

Management leave is posted on July 1st of each fiscal year and may be used after posting. All management leave must be taken by June 30th of that fiscal year and may not be carried over into the next fiscal year. The employee will not be paid for management leave in the event of termination of service for any reason.

VACATION LEAVE

Regular, full-time employees shall accrue vacation leave based on their length of service with the City. Vacation time for regular, part-time employees who work 20 hours or more per week will be prorated according to their regular work schedule

Management/Professional group employees shall accrue vacation time on the following basis:

YEARS OF SERVICE	ACCRUAL RATE/MONTH
0 to 6 months	No monthly accrual - 40 hours credited at the end of the probationary period
beginning of 7 months of service	7 hours/month
beginning of 1 year of service	8 hours/month
beginning of 6 years of service	10 hours/month
beginning of 11 years of service	12.5 hours/month
beginning of 16 years of service	14 hours/month
beginning of 20 years of service	16 hours/month

Vacation shall be credited as earned for each month of service or pro-rated for each fractional month, expressed to the half-month of service. Vacation leave shall be posted at the end of each pay period in which it is earned. Employees may not use vacation leave until it has been earned. Management/Professional employees may not accrue vacation time in excess of two (2) times their annual accrual. Employees may not accrue vacation time beyond the maximum limit. It is the employee's responsibility to schedule sufficient vacation so that he/she is not denied accrual of additional vacation time.

With written approval of the department director, Management and Professional employees may receive pay in lieu of one week of vacation leave each fiscal year, provided the payment is requested in conjunction with a scheduled week of vacation time off. Employees may also receive pay in lieu of a second week of vacation each fiscal year, provided an additional forty (40) hours of vacation are taken off during the fiscal year.

Upon termination of service for any reason, the employee shall be paid for all earned but unused vacation time accrued.

SICK LEAVE

An employee who is unable to work by reason of personal illness or injury, necessity of medical or dental care, exposure to contagious disease, or critical illness in the employee's immediate family, may utilize sick leave. Sick leave may also be used under the provisions of the City's Family Medical Leave Policy.

Ⓢ ACCRUAL

Regular, full-time employees accrue sick leave at the rate of 3.7 hours for each two-week payroll period they are employed by the City. Sick leave for regular, part-time employees working 20 hours or more per week shall be prorated according to their regular work schedule. Sick leave shall be posted at the end of each pay period. There shall be no limit on the amount of sick leave an employee may accumulate.

Ⓢ UTILIZATION

Accumulated sick leave shall be payable at the employee's regular straight time rate in an amount equal to the time the employee would have normally worked.

In the event an employee is absent from work because of the need to use sick leave, the employee shall, within the first half-hour of their scheduled start time, notify their supervisor of their reason for being absent. Sick leave may not be used until it has been earned. Employees must notify their supervisor each day they are absent except employees who are on pre-approved sick leave such as worker's compensation or FMLA. At the discretion of the Department Head, a physician's certificate may be required before an employee is permitted to return to work or to be granted sick leave. Proven abuse of sick leave shall result in disciplinary action.

If an employee runs out of sick leave, any additional time missed will be automatically deducted from the employee's accrued vacation, compensatory, management leave and holiday time. If the employee has no paid leave time available, the employee may be placed on leave without pay.

Sick leave may not be used when an employee is actually performing the work involved in a preapproved outside employment agreement.

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© *PHYSICIAN'S CERTIFICATION*

In cases of illness or disability as certified by an employee's physician, the City has the right to obtain a second medical opinion to confirm the employee's limited ability to perform the duties of their position or inability to return to work. Such examinations shall be performed by a licensed medical practitioner of the City's choosing and shall be paid for by the City. The consulting practitioner shall submit a written report to the Human Resources Director who will make a final decision regarding granting of sick leave benefits. Employees who refuse to submit to a second opinion examination may be ineligible for the use of accumulated sick leave for the particular disability in question.

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WORKER'S COMPENSATION

Sick leave benefits are not available for any illness or injury that is covered by Worker's Compensation benefits provided by the City or another employer. The City shall make up the difference between time loss payments and the employee's regular net pay at the time of injury. The City shall continue to make the same contribution to all benefit programs as would have been made if the employee had worked his/her regularly scheduled hours of work. Whenever an employee receives a reimbursement for worker's compensation time loss benefits, he/she shall endorse the check and give it to the Finance Director or their supervisor for deposit by the City. Time lost for injuries covered by worker's compensation will not be charged to the employee's accumulated sick leave. If the Worker's Compensation leave is for a qualified state or federal family leave purpose, such leave of absence shall be granted against the employee's annual family leave entitlement concurrently.

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OTHER LEAVES

COMPASSIONATE LEAVE

In the event of a death in the employee's immediate family, the employee may be granted time off with pay for a period not to exceed five working days. For the purposes of this section, an employee's family shall be defined as: spouse, child, parent, sibling, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandchild, grandparent, or any other person who is a dependent of the employee. The City Manager may allow additional paid time off or may recognize the need for granting the use of compassionate leave in the event of the death of other relatives or non-relatives.

CIVIL LEAVE

Employees shall be granted paid leave for service on a jury or when subpoenaed as a witness in a court proceeding in which the employee does not have a personal interest. The employee shall remit said fees due them for jury or witness duty to the City, except reimbursement for mileage, meals, etc, to the City. Employees are required to report to work when less than a normal workday is required for jury or witness duties.

MILITARY LEAVE

Military and Peace Corps leaves shall be granted to employees in accordance with state and federal laws.

LEAVES OF ABSENCE WITHOUT PAY

Employees may request a leave of absence without pay if circumstances require an absence from work. The employee must submit a written request for approval of the leave of absence to their department director and/or the City Manager. This written request must establish a reasonable justification for the leave and the duration of the requested leave. Leaves will not be granted to accept employment outside the City.

An employee may be granted a leave of absence without pay for up to twelve (12) months when the work performance of the employee's department will not be seriously

handicapped by their absence. Vacancies created by the employee's leave, if filled, will be made by a temporary appointment.

Employees shall be required to exhaust all accrued paid leave prior to being placed on leave without pay status in the following order: vacation, compensatory time, management leave, sick leave. If an employee exhausts all accumulated sick leave due to illness or injury, they will be required to use any accrued vacation, compensatory time, and management leave prior to being placed on leave without pay status (see Family Medical Leave Policy).

All leave accruals and retirement contributions shall begin to accrue when the employee returns to work, without loss of any previously existing leave balances. Seniority accrued prior to an authorized leave of absence without pay will not be lost. Health and other insurance benefits shall be administered according to the appropriate insurance guidelines.

EMPLOYEE BENEFITS

HEALTH, VISION, AND DENTAL COVERAGE

The City provides group health insurance for regular employees and their dependents to cover non-occupational injuries and illnesses. All regular employees working 20 hours or more per week are eligible for medical, vision, and dental insurance for themselves and their dependents. Regular, part-time employees working from 20 hours to 31 hours per week are responsible for paying one-half the cost of the monthly premiums.

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Coverage becomes effective on the first day of the month following completion of two full months of employment. Any monthly premium payments necessary to cover the employee or their dependents will be deducted from the employee's paycheck.

HEALTH COVERAGE FOR EMPLOYEES OVER 65

Any current employee who is also Medicare-eligible will continue to be covered under the City-sponsored group insurance plan of their choice. Primary coverage will be through the City's health plan. The employee may also choose to enroll in Medicare as a secondary provider to help pay remaining eligible expenses. The City does not pay Medicare premiums.

HEALTH COVERAGE AFTER SEPARATION OF EMPLOYMENT

Health coverage through the City ceases at the end of the month in which employment terminates. Employees and their dependents who no longer qualify for City coverage, may elect within 60 days to continue their health insurance at the City rate through the COBRA program. Monthly premiums are payable to the City.

HEALTH COVERAGE BENEFITS AFTER RETIREMENT

Employees retiring under the City's retirement plan may continue their health insurance coverage through the City by paying the monthly premium. Employees must elect coverage within 60 days of their retirement from the City. When the employee or their spouse becomes eligible for Medicare, that individual's health coverage through the City's group plan must be discontinued. However, the other individual is eligible to continue the City's group plan coverage until such time that they reach Medicare age. Upon reaching the age of 18, any unmarried, dependent child will no longer be eligible for health coverage under the City's group plan.

LONG-TERM DISABILITY COVERAGE

Effective on the first working day of the month following completion of six (6) full months of continuous employment, regular full-time employees and part-time employees who are scheduled to work 20 hours or more per week are covered by the City's long-term disability insurance program. This insurance will provide for 66 2/3% of the employee's base salary in the event the employee should be disabled and not have sick leave, worker's compensation, or other insurance coverage available to them.

Employees eligible for long-term disability benefits will receive a scheduled salary to a monthly maximum benefit as specified by the Insurance Policy Certificate for Long-Term Disability.

LIFE INSURANCE

Effective on the first working day of the month following completion of two (2) full months of continuous employment, all regular full-time employees and part-time employees who are scheduled to work 20 hours or more per week are covered by a \$50,000 life insurance policy with provisions for double indemnity and accidental death and/or dismemberment. Coverage may vary by employee group as specified by the applicable Group Insurance Policy Certificate for Life Insurance.

SUPPLEMENTAL LIFE INSURANCE

Effective on the first working day of the month following completion of two (2) full months of continuous employment, all regular full time and part time employees who are scheduled to work 20 hours or more per week may apply for supplemental life insurance coverage for themselves and their spouse upon the approval of the insurance carrier. Premiums for this coverage are at the employee's expense and are made through payroll deductions.

OTHER INSURANCE PROGRAMS

Employees are insured under the provisions of the Oregon State Worker's Compensation Act for on the job injuries, and the State Unemployment Insurance program. The amount of the premiums paid and the levels of coverage provided are directed by those agencies administering these programs.

The City provides a comprehensive personal liability (errors and omissions) policy to provide liability coverage for employees excluding the provisions of ORS 30.285 as it relates to malfeasance in office or willful or wanton neglect of duty.

ICMA (401A) RETIREMENT PROGRAM

ICMA MONEY PURCHASE PLAN

All regular full-time and part-time employees working 20 hours or more in the Management/Professional Group (with the exception of Police Sergeants, Lieutenants, Captains, Assistant Police Chief and the Police Chief) are required to participate after six months of continuous employment in the ICMA 401(a) Money Purchase Plan. The City's contribution rate will be determined annually by the City Council. All participating employees are 100% vested at the time of the City's first contribution in their behalf.

Employees may also elect to participate in the ICMA 401(a) Voluntary Contribution Program after six months. This program allows a voluntary after-tax contribution of up to 6 percent of the employee's monthly salary.

Employer and employee contributions cease on the employees last workday.

PERS RETIREMENT PROGRAM

The Police Chief, Assistant Police Chief, Captains, Lieutenants, and Sergeants in the Management/Professional Group are required to participate in the Public Employees Retirement System (PERS) after six (6) months of employment with the City. New sworn officers who already participate in PERS are enrolled immediately. The City's contribution rate is established by PERS rules and regulations; the employee's contribution is determined by City Council action.

Eligible employees may also choose to participate in the PERS Variable Annuity program. Enrollments must be received by PERS prior to January 1 each year and are effective on January 1.

All contributions shall cease immediately upon separation from the City.

DEFERRED COMPENSATION

The City offers employees the option of participating in a deferred compensation program. Employees may voluntarily defer a portion of their salary as an investment for retirement.

Employee contributions shall cease immediately upon separation from the City.

The City shall provide a City contribution to deferred compensation not to exceed a maximum of 3% for the Management, Supervisory & Confidential Group Employees. Employees will be required to match the City's contribution, and can select the percentage up to 3%.

SOCIAL SECURITY

The City participates in the Federal Social Security Program (FICA). Contributions by the City and the employee, as well as benefits provided, are in accordance with the rules and regulations provided by the Social Security Administration.

LAYOFF AND RECALL

A department director may layoff an employee because of lack of work, shortage of funds, a material change in duties, a disability which prevents the employee from performing the essential functions of the job with or without reasonable accommodation, reorganization, or for any other reason as determined by the City which does not reflect discredit on the service of the employee. Temporary or permanent separation of an employee as a disciplinary action shall not be considered a layoff. Additionally, any temporary interruption of employment because of adverse weather conditions, shortage of supplies, or for other unexpected or unusual reasons, as determined by the City Manager, which does not exceed ten (10) working days, shall not be considered a layoff if; at the termination of such conditions, employees are to be returned to employment.

The department director shall identify the number of positions within a classification to be reduced in the department. Unless a layoff is the result of an employee being unable to perform the essential functions of the job with or without reasonable accommodation, layoff shall be within a classification in the department in inverse order of seniority with the City. For the purposes of layoff, seniority shall be based on consecutive years of service with the City. Time spent in a temporary position shall not count towards seniority for the purposes of layoff. In the event two or more employees have the same seniority and the same date of employment with the City layoff will be determined by the drawing of lots. The department head shall request Human Resources to prepare the appropriate layoff list. The employee with the least City wide seniority shall be laid off.

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Employees who are laid off will be offered any temporary positions for which they are qualified and available in the department from which they were laid off. Temporary employees will not be employed in any department implementing layoffs unless any laid off employee (5), who are qualified and available for the nature of the work involved, are first offered and decline to accept the temporary, extra help or seasonal position. The determination of an employee's qualifications and availability to perform the work of a temporary, extra help or seasonal position shall be within the discretion of the department director.

The department director will be expected to notify Human Resources of a pending layoff as soon as practical. All affected employees shall be given written notification by their department director at least thirty (30) calendar days before the effective layoff date, stating the reasons for the layoff.

BUMPING

In the event of a layoff, any employee who would otherwise be subject to a layoff shall, within five (5) working days following written notice of layoff, have the right to displace or "bump" a less senior employee in any lower paying classification in any department provided that he/she is fully qualified to perform the work of the lower pay classification and has more seniority in City service (excluding temporary work) than the least senior employee in the classification he/she seeks to bump into. The City Manager or department director shall determine if an employee meets the qualifications for the job.

Any employee who exercises his/her bumping rights shall serve a probationary period of three (3) months in the lower classification, with an option to extend another three (3) months at the discretion of the department director. During this probationary period, the City may return the employee to layoff status for unsatisfactory performance in the lower classification.

Employees to be laid off shall submit written bumping requests to their department director within five (5) working days of receipt of written notice of layoff. If no request to bump is received by the deadline, the employee shall be laid off. The department will officially notify the employee in writing whether the bumping request is granted or denied, and shall do so within the 30 calendar day notice of layoff period.

Employees who are granted bumping requests shall be placed at the top step of the lower classification or at their current salary, whichever is less.

Department directors, City Recorder and other positions serving under the conditions of an employment agreement may not exercise bumping rights.

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DEMOTION IN LIEU OF LAYOFF

Management/Professional Group employees may submit a written request to their department director requesting a demotion in lieu of layoff. The director may grant this request in any class for which a vacancy exists and where it appears that the employee may expect to perform satisfactorily. If the department director determines that this action is not in the best interest of the department, the director shall immediately notify the employee. An employee who is demoted in lieu of layoff shall be placed on a recall list for the class from which they were demoted.

The rules governing salary for demotions shall also apply for demotion in lieu of layoff.

RECALL

A recall list shall consist of all employees who were laid off from, or demoted in lieu of layoff from a position in the appropriate class. The order of names on the recall list shall be by reverse order of layoff or reduction. Each recall list shall remain in force for one (1) year from the date of layoff or demotion in lieu of layoff. The recall list shall be used to fill vacant positions before any other list may be certified, providing that the employee is qualified to perform the duties of the position. If the department director determines that the employee is not qualified to perform the duties of the position, the director shall notify Human Resources in writing of the reasons for not appointing the employee. The recall list shall be certified in the reverse order of layoff or reduction.

The Human Resources Director may remove the name of a person from a recall list if the laid off or demoted in lieu of layoff employee fails to reply within fourteen (14) calendar days from the date of mailing of a notice of recall, sent by certified mail, to the laid off employee's last known address. It is the responsibility of the employee to notify Human Resources of any address change. The department director may request the certification of the next person on the layoff list if the laid off or demoted in lieu of layoff employee is not available to work within ten (10) working days of their notification to return to work.

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BENEFITS AND COMPENSATION

Accrued sick leave will be retained during the time an employee is on the recall list, and will be available for use upon appointment from the recall list. Sick leave is lost when the term of eligibility for recall expires.

Employees who have completed at least six (6) months of service and are eligible for vacation benefits, will be paid for unused vacation leave at the time of layoff. Employees who do not wish to be paid for accrued vacation when laid off may submit a written request to Human Resources five (5) days prior to layoff. This accrued vacation will be held for a maximum of one year from the date of layoff, at which time it will be paid to the employee. Employees may request payment of accrued vacation time prior to the end of the twelve months by submitting a written request to Human Resources. Vacation time not paid to the employee will be restored upon appointment from a recall list. The rate of the employee's accrual shall remain the same as it was at the time of layoff. Vacation shall not accrue while an employee is laid off.

Employees who are laid off shall retain, but not continue to accrue, seniority during the time they are on the recall list. Seniority will be lost when the term of recall expires.

Upon reappointment from the recall list, an employee shall receive the same step in the salary range that the employee was at when laid off or demoted in lieu of layoff. Benefits and status toward merit increases shall begin to accrue as if there had been no break in service. The employee's anniversary date shall be adjusted so that time spent on layoff or in demotion in lieu of layoff will not count towards merit increases.

MOVING EXPENSES

The City may pay partial or total moving expenses for employees in positions as maybe authorized by the City Manager.

In the case of total payment of moving expenses, the City's Finance Director or designee will handle all details relating to the expenses associated with the move. In the case of a partial payment, the employee will submit at least two estimates of the expected costs of the move. The City Council or City Manager will determine the amount of the moving allowance to be reimbursed by the City. The reimbursement for moving expenses will be paid to the employee after the move has been completed and appropriate expense statements have been submitted to the City. This procedure applies both to employees who elect to move themselves as to those who contract with a professional moving company. In no event does the City assume any liability for any items lost or damaged during the moving process.

Upon acceptance of a moving reimbursement, the employee is required to sign a letter of agreement to repay any moving expense that were originally paid for by the City in the event the employee resigns their employment with the City during the first twelve (12) months of employment.

DISCIPLINE

DISCIPLINE GENERALLY

On-the-job conduct of City employees affects the ability of the City to serve its citizens and affects the taxpayer's impression of City government. Employee safety, productivity and morale are dependent upon employee conduct.

Occasionally it is necessary for supervisors to resort to corrective action when other actions are inappropriate, or where a particular employee fails to respond to informal guidance.

In order to provide a fair method of correcting, and when necessary, disciplining employees, the City will use progressive discipline procedures and the following guidelines for all Management/Supervisory/Confidential group employees other than department heads or other positions serving under the conditions of an employment agreement, whose performance and conduct issues shall be addressed in accordance with the applicable employment agreement.

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DISCIPLINE - GENERAL GUIDELINES

A. Discipline may be initiated for many proper reasons, including but not limited to, violations of the work rules, insubordination or poor job performance. The severity of the action generally depends on the nature of the offense and an employee's work record, and may range from verbal counseling to discharge.

B. Progressive discipline for infractions include:

1. verbal reprimand
2. written reprimand
3. temporary reduction in pay in lieu of suspension
4. suspension
5. demotion, and
6. dismissal

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Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction. Exceptions or deviations from the normal procedure may occur whenever the City deems it appropriate, case by case.

APPLICATION OF PROGRESSIVE DISCIPLINE

- A. For performance deficiencies, employees will normally be verbally reprimanded once before receiving a written reprimand. A supervisor may or may not choose to make the imposition of a verbal reprimand part of the employee's personnel file.

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If no other deficiency occurs during the next twenty-four (24) months, the employee may request the warning be removed from the personnel file. The City reserves ultimate discretion as to whether the warning will be removed from an individual's personnel file. Documents removed from individual personnel files will be retained by the City in a separate record system not filed or indexed by name which shall not be considered in personnel decisions.

- B. If a written reprimand is issued, the following procedure may be used:

1. The reprimand should be signed and dated by the employee. An employee who disagrees with the facts in the reprimand may submit a written response. It will be placed in the personnel file with the reprimand.
2. A written reprimand need not pertain to the same or similar matter (issue).
3. In addition to a written reprimand the department director may also suspend an employee without pay for a period of up to fifteen (15) working days, or take other corrective or disciplinary action deemed appropriate, including demotion and temporary reduction in pay. Prior to taking such action, the department director will (1) furnish the employee with notice of the charges and a statement of relevant facts upon which the charges are based; (2) inform the employee of the level of discipline under consideration; and (3) meet with and afford the employee an opportunity to respond to the charges and the written statement of facts which supports the proposed disciplinary action.
4. A written statement of the disciplinary action imposed and the reasons for such action shall be furnished to the employee, and a copy shall be made a part of the personnel file. The employee will sign the statement acknowledging he has received a copy of it, and may file a rebuttal statement.

~~Deleted:~~ In the event of two or more performance problems or more serious violation of a City policy or rule, a

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- C. Discharge may result if the employee violates City policy, commits serious misconduct or fails to improve the level of performance.

DISCHARGE PROCEDURE

DISCHARGE PROCEDURE

If a department director determines there is just cause for the discharge of a non-probationary regular employee, the department director shall notify the employee of the specific reasons and that a suspension without pay and/or discharge is being considered. The employee shall be provided with the facts upon which the actions are based. The department director shall afford the employee a formal opportunity to refute the charges orally or in writing. Once the employee has been afforded an opportunity to refute the charges and explain the circumstances, the employee may be suspended without pay. If a pre-discharge conference is to be held, it will be scheduled and held at least three (3) days after notice of the proposed action has been given. The employee will be given adequate time to develop a response and to seek necessary outside assistance as the employee feels necessary. The time limits may be varied by the City to meet individual needs.

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The department director will conduct the conference and decide whether to dismiss the allegations, impose discharge, or impose a lesser degree of discipline or corrective action.

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APPEAL OF DISCIPLINE ACTION

RIGHT TO APPEAL FROM DISCIPLINE

Any non-probationary regular employee not serving under the conditions of an employment agreement who has been suspended, reduced in pay, demoted or dismissed, shall have the right of appeal to the City Manager. Notice of the appeal must be filed not later than ten (10) days following the effective date of the action. The Notice of appeal shall include at least the following information (a) a statement of the complaint and the facts upon which it is based, (b) the remedial action requested, (c) a statement of the reasons why the remedial action is appropriate and (d) a statement of any policies, procedures or law or rules which have not been adhered to or which should be followed. The appeal shall be heard by the City Manager within twenty (20) days after receipt of the request. The City Manager shall furnish the department head concerned with a copy of the notice of appeal in advance of the hearing.

WHO MAY APPEAL

Only non-probationary regular employees who are not serving under the conditions of an employment agreement have a right to appeal disciplinary actions. In addition to formal appeals under this Section, the City Manager may give consideration to all suggestions and complaints that concern administration of the personnel policies.

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INVESTIGATIONS

In connection with an appeal or complaint, with respect to any matter arising under these personnel policies, the City Manager may conduct an investigation as he deems necessary. The City Manager shall make a written report upon all matters investigated under the personnel policies. A copy will be given to the employee and placed in the file.

HEARING ON APPEAL

A. Procedure

The City Manager shall set a hearing upon timely requests made under this policy. The employee and the department director shall be given written notification of the time and place of the hearing.

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The order of procedure at the hearing will be as follows:

1. The employee may present evidence in support of the appeal with or without the assistance of legal counsel or other representative.
2. The department director or a designee may cross-examine or submit evidence in rebuttal or both.
3. Opening statements, if any, will be brief and confined to the issues. Closing argument, if any, will be first by the employee and then by the department director or a designee. Both parties may offer rebuttal evidence if desired.
4. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Affidavits and counter-affidavits are acceptable as evidence. If either party intends to rely on an affidavit, it shall provide the other party with such affidavit together with the name, address and telephone number of the affiant at least ten (10) days prior to the hearing or such affidavit shall be inadmissible.

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B. Conduct of Hearings

A hearing before the City Manager is intended solely for the purpose of receiving evidence either to refute or substantiate specific charges brought to the City Manager. The hearing shall be conducted accordingly. The City Manager may impose limits on questioning in the interest of the orderly conduct of the hearing and fairness.

C. Counsel or Representative

In appealing a disciplinary action to the City Manager an employee may, but is not required to have counsel or other representative.

CITY MANAGER FINDINGS

If, after receiving evidence presented in hearings on disciplinary actions, the City Manager finds that sufficient evidence supports the charges, that the complained-of action taken by the department director was reasonable and was taken for a proper reason consistent with policy, and in the case of a discharge, is supported by just cause, the City Manager may affirm the action; if the City Manager finds that no disciplinary action should have been taken, the City Manager will remove all disciplinary sanctions and the personnel file shall reflect the City Manager's decision. As needed, the City may take action to effectuate the City Managers decision, including purging or modification of documents in the employee's personnel file. If the City Manager determines that discipline was warranted but that different discipline should have been imposed, the City Manager may modify the discipline as the circumstances warrant. the complained-of action taken by the department director was not so made, the City Manager shall fashion an appropriate remedy and the personnel file shall be purged of such record. The City Manager in lieu of affirming the disciplinary action may modify the discipline as the circumstances warrant.

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At the time of filing of the request of the appeal with the City Manager, the department director shall supply the employee with an outline of the procedures used by the City Manager. The decision of the City Manager shall include findings of fact and shall be final.

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An employee with remedies under a labor agreement may use this appeal procedure, and may do so only if the employee and the Union waive the right to proceed to appeal under any other policy or contract law or rule.

PROCEDURAL RIGHTS RELATED TO PERFORMANCE AND DISCIPLINE FOR DEPARTMENT DIRECTORS.

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The standards of conduct, performance and discipline to which the City holds department directors and managers is quantitatively and qualitatively different (higher) than the standards by which other employees are judged. Discussions of expectations, goals and objectives, and coaching and counseling should, in the case of management employees, be sufficient. In rare cases of misconduct, it may be that a suspension could be justified, however, ordinarily instances committed by this level of employee warrant either discharge or counseling. The City Manager is expected to insure standards are established and met, and that an appropriate combination of performance plans, evaluations and counseling are utilized to help the manager succeed. In the case of department directors and other positions serving under the conditions of an employment agreement, performance and conduct issues shall be addressed in accordance with the employment agreement.

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The City Manager may refer any issue to a Hearings Officer who shall conduct the proceedings in accordance with these rules. In such event, all provisions of these rules relating the duties and authority of the City Manager shall also apply to the Hearings Officer in the conduct of the hearing. The Hearings Officer shall issue Recommended Findings which shall be reviewed by the City Manager based solely on the record and applicable law. The City Manager may adopt the Findings within twenty (20) working days from receipt of the Recommended Findings, or modify them for good and sufficient cause.